



House of Representatives

General Assembly

File No. 598

January Session, 2003

Substitute House Bill No. 6692

House of Representatives, April 30, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ADOPTING RECOMMENDATIONS OF THE PRISON AND JAIL OVERCROWDING COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 18-87j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 There is established a Commission on Prison and Jail Overcrowding
4 which shall be within the Office of Policy and Management for
5 administrative purposes only. The commission shall consist of the
6 Chief Court Administrator, [or his designee,] the Commissioner of
7 Correction, the Commissioner of Public Safety, the Chief State's
8 Attorney, [or his designee,] the Chief Public Defender, [or his
9 designee] the Commissioner of Mental Health and Addiction Services,
10 the Secretary of the Office of Policy and Management and the
11 chairperson of the Board of Parole, or their designees, the executive
12 director of the Court Support Services Division or other designee of the
13 Chief Court Administrator and the following members, each of whom

14 shall be appointed by the Governor: Three government officials, a
15 police chief, two persons representing offender and victim services
16 within the private community and two public members. The Governor
17 shall appoint a chairperson from among the members of the
18 commission. The commission shall meet at such times as it deems
19 necessary.

20 Sec. 2. (NEW) (*Effective October 1, 2003*) Any person convicted of an
21 offense and sentenced to a term of imprisonment, with the execution of
22 such sentence suspended after a period set by the court, to be followed
23 by a period of probation, shall be assessed by a probation officer not later
24 than ninety days prior to the date such person is scheduled to be
25 released from confinement. The probation officer shall assess such
26 person's needs upon release from confinement including, but not
27 limited to, such person's needs in obtaining proper identification,
28 housing, employment, education, substance abuse treatment and job
29 counseling. The probation officer shall identify and prioritize such
30 person's most significant needs and shall develop a coordinated case
31 plan to assist such person in receiving the necessary services upon
32 release.

33 Sec. 3. (NEW) (*Effective October 1, 2003*) A person who received a
34 definite sentence or aggregate sentence of more than two years shall be
35 released pursuant to subsection (e) of section 18-100 of the general
36 statutes or to any other community correction program approved by
37 the Commissioner of Correction after having served ninety-five per
38 cent of the sentence imposed by the court, less such time as may have
39 been earned under the provisions of section 18-7, 18-7a, 18-98a, 18-98b
40 or 18-98d of the general statutes, unless: (1) Such person has been
41 given a level five security or chronic disciplinary status classification
42 by the Department of Correction, (2) such person has been given a
43 level three or four security group rating by the Department of
44 Correction, (3) such person is the subject of a class A disciplinary
45 report by the Department of Correction for assault on staff or another
46 inmate, rioting or escape during such person's period of incarceration,
47 or (4) such person has a pending criminal charge for the alleged

48 commission of a felony during such person's period of incarceration.

49 Sec. 4. (NEW) (*Effective October 1, 2003*) Unless otherwise ordered by
50 the court, whenever an arrested person charged only with the
51 commission of a crime or crimes that are class D felonies or
52 misdemeanors, except a violation of section 53a-60a, 53a-60b, 53a-60c,
53 53a-60d, 53a-72a, 53a-73a or 53a-181c of the general statutes, is
54 committed by the court to the custody of the Commissioner of
55 Correction pursuant to section 54-64a of the general statutes, the
56 commissioner may release such person to a residence approved by the
57 Department of Correction subject to such conditions as the commissioner
58 may impose including, but not limited to, participation in a substance
59 abuse treatment program and being subject to electronic monitoring.
60 Any person released pursuant to this section shall be supervised by the
61 department and remain under the jurisdiction of the commissioner
62 during the period of such release. Upon the violation by such person of
63 any condition of such release, the commissioner may revoke such release
64 and return such person to confinement in a correctional facility.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Correction, Dept.	GF - Savings	up to 10,000,000	up to 10,000,000
Judicial Dept.	GF - Cost	1,505,625	1,972,500
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	60,750	180,000

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 of the bill adds several members to the Prison and Jail Overcrowding Commission (PJOC) and would result in no fiscal impact to the state.

Section 2 of the bill requires probation officers to assess the needs of every inmate who is scheduled to be released on probation after serving a portion of the sentence. As a result of this section of the bill, ten additional probation officers would be required to assess all such offenders (about 2,880 annually). The annualized cost for these positions is \$2 million, and includes salaries and related expenses. It is estimated that providing this program would divert up to 250 people from re-incarceration annually resulting in a savings of up to \$5 million to the Department of Correction (DOC).

Section 3 of the bill requires DOC to release certain inmates with sentences greater than two years after serving 95% of that sentence. Passage of the bill would result in an annual savings of approximately 30,000 bed days, which equates to a savings of up to \$2.5 million per year.

Section 4 authorizes DOC to release certain inmates awaiting trial who are charged with class D felonies or misdemeanors. Passage of the bill would result in annual bed savings of approximately 45,000 bed days, which equates to a savings of up to \$3 million per year.

OLR Bill Analysis

sHB 6692

AN ACT ADOPTING RECOMMENDATIONS OF THE PRISON AND JAIL OVERCROWDING COMMISSION**SUMMARY:**

This bill requires a probation officer to assess the needs of every inmate who is scheduled to be released on probation after serving a portion of his sentence in prison. He must conduct the assessment at least 90 days before the inmate's scheduled release. The assessment must include the inmate's needs in obtaining proper identification, housing, employment, education, substance abuse treatment, and job counseling. The probation officer must identify and prioritize the most significant needs and develop a coordinated case plan to assist the inmate in receiving the necessary services upon release.

The bill adds the Mental Health and Addiction Services commissioner, the Office of Policy and Management secretary, and the parole board's chairperson, or their designees, to the Commission on Prison and Jail Overcrowding. It also allows the correction and public safety commissioners to designate people to take their place on the commission.

The bill requires the Department of Correction (DOC) commissioner, with certain exceptions, to release any inmate who received a definite sentence or aggregate sentence of more than two years after he serves 95% of his sentence minus any good time credit. She must release him to any public or private halfway house, group home, mental health facility, or to any other community correction program she approves.

The commissioner is not required to release an inmate who (1) has been given a level five security or chronic disciplinary status classification by the DOC; (2) has been given a level three or four security group rating by the DOC; (3) is the subject of a class A disciplinary report by the DOC for assaulting staff or another inmate, rioting, or escape during his imprisonment; or (4) has a pending criminal charge for the alleged commission of a felony during his imprisonment.

The bill authorizes the DOC commissioner, with some exceptions, to release inmates charged with a D felony or a misdemeanor and are in prison awaiting trial, subject to whatever conditions the commissioner imposes, including substances abuse treatment programs and electronic monitoring. They would continue to be under the commissioner's jurisdiction and he could return them to prison for a violation.

EFFECTIVE DATE: October 1, 2003

RELEASE OF PRETRIAL INMATES

The bill authorizes the DOC commissioner, unless the court orders otherwise, to release an inmate awaiting trial who is charged with a class D felony or a misdemeanor. (A class D felony is punishable by a prison term of up to five years, or a fine of up to \$5,000, or both. A misdemeanor is a crime, which is punishable by a prison term of up to one year.)

This authority does not apply to inmates accused of the following class D felonies: assault in the second degree with a firearm; assault or assault with a firearm of an elderly, blind, disabled, pregnant, or mentally retarded person; assault in the second degree with a motor vehicle; sexual assault in the third degree; sexual assault in the fourth degree (this is a class D felony if the victim is under age 16; otherwise it is a class A misdemeanor); and stalking in the first degree.

The commissioner may release such a person to a residence she approves subject to whatever conditions she imposes. Conditions may include participation in a substance abuse treatment program and electronic monitoring. DOC must supervise anyone the commissioner releases, and the released person remains under the commissioner's jurisdiction during the period of release. The commissioner may revoke the release of anyone who violates a condition of release and return him to prison.

BACKGROUND

Commission on Prison and Jail Overcrowding

The commission (1) develops and recommends policies to prevent

prison overcrowding, (2) examines the impact of statutes and administrative policies on overcrowding and recommends legislation, and (3) annually prepares and distributes a comprehensive state criminal justice plan for preventing overcrowding (CGS § 18-87u).

DOC Classifications and Security Levels

DOC assigns inmates to facilities and programs on the basis of a classification system. Classification is the ongoing process of collecting and evaluating information about each inmate to determine the inmate's risk and need for appropriate confinement, treatment, programs, and employment assignment, whether in a facility or the community.

DOC tracks an individual throughout the term of his confinement. The system provides for scheduled reviews for security and custody changes and transfers among facilities and programs. Generally, DOC conducts regular reviews every six months and reviews due to new information. Other reviews include community release program placement reviews, overall level reduction reviews, and reviews due to disciplinary behavior.

Classification

DOC classifies an inmate each time he is newly admitted to the department. Seven factors determine the overall risk level:

1. the inmate's escape profile;
2. severity and violence of the current offense;
3. history of violence;
4. sentence length;
5. presence of pending charges, detainers, or both;
6. discipline history; and
7. security risk group membership.

DOC assigns each factor a rating. One is the lowest and five is the

highest risk. After independently rating each factor, DOC establishes an overall risk level. The highest rating assigned to any of the seven factors determines the inmate's overall risk level. Thus, if an inmate scores two on six of the factors and five on one factor, his overall rating is five.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 1